

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-FLINT**

IN THE MATTER OF:

Brighton Electric Supply Co., Inc.,
Debtor.

Bankruptcy Case No. 05-33380
Honorable Daniel S. Opperman
Chapter 7

Samuel D. Sweet, Trustee,
Plaintiff,

v.
Technical Consumer Products, Inc.,
Defendant.

Adversary Proceeding No.
Honorable Daniel S. Opperman

**TRUSTEE'S COMPLAINT TO AVOID PREFERENTIAL TRANSFERS
PURSUANT TO 11 U.S.C. §547(b) AND TO RECOVER THE VALUE OF
THE AVOIDED TRANSFERS PURSUANT TO 11 U.S.C. §550**

Trustee, Samuel D. Sweet, by and through his attorneys, Beadle, Burket, Sweet & Savage, P.L.C., states for Trustee's Complaint to Avoid Preferential Transfers Pursuant to 11 U.S.C. §547(b) and for Recovery of the Avoided Transfers pursuant to 11 U.S.C. §550 as follows:

Jurisdiction and General Allegations

1. On July 5, 2005, an involuntary Chapter 7 was filed for Brighton Electric Supply Co., Inc. ("Debtor"); and it was converted on December 24, 2005 under Chapter 7 of the Bankruptcy Reform Act of 1978 as Amended, Title 11.
2. Samuel D. Sweet ("Trustee") was appointed the duly qualified and acting Trustee in this Chapter 7 proceeding.
3. Technical Consumer Products, Inc. ("Defendant") is a Delaware corporation that can be served through Ellis Yan, its president, at 300 Lena Drive, Aurora, OH 44202.
4. This Court has jurisdiction to preside over this proceeding, pursuant to 28 U.S.C. § 1334.
5. This Adversary Proceeding is a core proceeding, pursuant to 28 U.S.C. § 157(b)(2)(F).

COUNT I
AVOIDANCE OF PAYMENTS
AS PREFERENTIAL UNDER 11 U.S.C. § 547

6. Trustee re-alleges the allegations contained in Paragraphs 1 through 5 above as if fully set forth herein.

7. Defendant received the following payments from the Debtor:

<u>Check Number</u>	<u>Date Paid</u>	<u>Check Amount</u>
071601	4/19/05	\$7,099.84

totaling the aggregate amount of \$7,099.84 (collectively referred to as "Payments").

8. The receipt of the Payments by the Defendant and subsequently acceptance of the check by Debtor's bank was a transfer of an interest of the Debtor's property ("Transfer").

9. Defendant was a creditor of the Debtor at the time of the Transfer.

10. The Transfer made by the Debtor was to or for the benefit of Defendant.

11. The Transfer was for or on account of an antecedent debt owed by the Debtor to Defendant before such Transfer was made.

12. The Transfer was made while the Debtor was insolvent.

13. The Transfer was made within ninety (90) days preceding the Petition Date.

14. The Transfer would allow Defendant to recover more than it would have recovered in a Chapter 7 distribution had the transfer not been made.

15. Upon information and belief, Defendant does not possess any defenses pursuant to § 547(c) of the Bankruptcy Code.

WHEREFORE, the Trustee, Samuel D. Sweet, respectfully requests that this Honorable Court avoid the Transfer pursuant to 11 U.S.C. § 547(b) and for such other and further relief as this Court deems just and proper.

COUNT II
RECOVERY OF THE VALUE OF THE TRANSFER
PURSUANT TO 11 U.S.C. § 550

16. Trustee re-alleges the allegations contained in Paragraphs 1 through 15 above as if fully set forth herein.

17. Defendant is the initial transferee of the Transfer.

18. The value of the Transfer is \$7,099.84.

WHEREFORE, the Trustee, Samuel D. Sweet, respectfully requests that this Honorable Court enter a judgment in favor of the Trustee and against the Defendant in the amount of \$7,099.84 and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

BEADLE, BURKET, SWEET & SAVAGE, PLC

/S/ Kevin M. Smith

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